

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Patricia Schnupp	Team: Team # 7	CCRB Case #: 200611821	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 09/04/2006 3:30 AM	Location of Incident: Corner of Flatbush Avenue and Church Avenue, and the 70th Precinct	Precinct: 70	18 Mo. SOL 3/4/2008	EO SOL 3/4/2008	
Date/Time CV Reported Thu, 09/07/2006 10:34 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 09/07/2006 10:34 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. POM Misbahul Noor	30628	939120	070 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Vincent Cirrito	00000	883652	070 PCT
2. POM Jason Rosciano	09915	939371	070 PCT
3. LT Justin Bracco	00000	918774	070 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Force: Officers used physical force against § 87(2)(b) at Flatbush Avenue and Church Avenue.	
B.POM Misbahul Noor	Abuse: PO Misbahul Noor damaged § 87(2)(b)'s video camera at Flatbush Avenue and Church Avenue.	
C. Officers	Force: Officers used physical force against § 87(2)(b) at Flatbush Avenue and Church Avenue.	
D.POM Misbahul Noor	Abuse: PO Misbahul Noor refused to provide his name and shield number to § 87(2)(b) and § 87(2)(b) at the 70th Precinct stationhouse.	
E.POM Misbahul Noor	Discourtesy: PO Misbahul Noor spoke obscenely and rudely to § 87(2)(b) and § 87(2)(b) at the 70th Precinct stationhouse.	

Synopsis

On September 7, 2006 at approximately 10:30am, § 87(2)(b) called the CCRB to file a complaint about an incident that occurred during J'ouvert, the pre-West Indian Day parade festival in Brooklyn. On September 4, 2006, at approximately 3:30 AM, § 87(2)(b) and his friend § 87(2)(b) were eating in front of a restaurant near the corner of Church Avenue and Flatbush Avenue in Brooklyn. § 87(2)(b) was holding § 87(2)(b)'s video camera when two young females approached him and asked to use the camera. Two police officers ran by and the girls followed them with the video camera. The girls used to video camera to tape several officers using physical force against § 87(2)(b).

§ 87(2)(b) went after the girls. § 87(2)(b) stayed in front of the restaurant and continued to eat. § 87(2)(b) got the camera back. § 87(2)(b) was standing near where the police officers were arresting § 87(2)(b) whom he did not know. An officer, identified during the investigation as PO Misbahul Noor, came over to § 87(2)(b) and knocked § 87(2)(b)'s camera to the ground, causing the battery to come off (Allegation B). PO Noor then walked away and attempted to remove the tape from the camera. § 87(2)(b) kept yelling that he needed the camera back and another officer told him he would get it back. PO Noor then came over and pretended to hand § 87(2)(b) the camera back, but instead threw the camera onto the ground. At this point, § 87(2)(b) came over. § 87(2)(b) yelled at the officers and kept asking, "Why did you do that to my camera?" The police tried to disperse the crowd that had gathered to watch § 87(2)(b) who was being forcibly arrested. § 87(2)(b) did not move and continued to yell loudly at the police officers. Then, approximately two to four officers pushed § 87(2)(b) from behind onto the ground (Allegation C). The officers took § 87(2)(b)'s cell phone in order to handcuff him. § 87(2)(b)'s phone was never returned. § 87(2)(b) was taken to the 70th Precinct and issued a summons for § 87(2)(b) and released.

§ 87(2)(b) and § 87(2)(b) went to the 70th Precinct to file a complaint against the officers involved in this incident on September 4, 2006 at 7am. § 87(2)(b) and § 87(2)(b) saw PO Noor, who had broken § 87(2)(b)'s camera. They asked PO Noor for his name and badge number. PO Noor responded, "What the fuck are you talking about?" and continued walking (Allegations D and E). § 87(2)(b) and § 87(2)(b) spoke with Lt. Vincent Cirrito about what happened. § 87(2)(b) stated he wanted to file a complaint. Lt. Cirrito asked to see the broken camera and the men took Lt. Cirrito to their car, where the broken camera was located. Lt. Cirrito told the men that it would be a while before their complaint could be processed since there were over two dozen arrests that needed to be processed at the 70th Precinct. Lt. Cirrito gave § 87(2)(b) the civilian complaint report to fill out and § 87(2)(b) and § 87(2)(b) left.

The interaction with the police started with § 87(2)(b)'s camera being used to tape the police hitting a man, identified as § 87(2)(b). Attempts were made to reach § 87(2)(b) however to this date, he has not responded to any of these attempts.. § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) identified PO Noor as the officer that damaged § 87(2)(b)'s camera. § 87(2)(g)

Officers knocked § 87(2)(b) to the ground in order to handcuff him. § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) attempted to get PO Noor's name and badge number and instead he cursed at them. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Summary of Complaint

§ 87(2)(b)

§ 87(2)(b) provided four statements regarding this incident. The first statement is the narrative § 87(2)(b) provided via telephone to the CCRB on September 7, 2006. The second statement was given to the IAB command center on September 7, 2006. The third statement was the NYPD civilian complaint report, which § 87(2)(b) gave to the CCRB on the date of his interview. On September 21, 2006, § 87(2)(b) provided his sworn testimony regarding this incident at the CCRB. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

On September 4, 2006 § 87(2)(b) and his friend § 87(2)(b) attended J'ouvert, the pre-West Indian day parade festival in Brooklyn. At approximately 2:45am, § 87(2)(b) was standing in front of a restaurant on Flatbush Avenue and the corner of Church Avenue in Brooklyn. § 87(2)(b) went inside the restaurant to get some food. § 87(2)(b) came outside and was eating his food with § 87(2)(b) when two young ladies approached them and asked § 87(2)(b) if they could see the video camera he was holding, which was actually § 87(2)(b)'s camera. The girls were looking at the camera and filming the crowd when § 87(2)(b) noticed a bunch of cops rushing about 20-25 feet to his right. The girls followed the police and took the camera with them. They were video taping a group of cops beating someone up. § 87(2)(b) and § 87(2)(b) did not know who this individual was or why police were assaulting him. § 87(2)(b) was not concerned with the man being beaten but only concerned with what was going on with his camera. (The video camera did record some officers using force against an individual, however, it is not possible to identify either the officers involved or the individual being assaulted).

§ 87(2)(b) decided that since he did not really know these two girls, he wanted to get § 87(2)(b)'s camera back. § 87(2)(b) stayed in front of the restaurant. § 87(2)(b) asked the girl for the camera back and the girl gave it to him. At this time a police officer, identified by § 87(2)(b) as PO Noor, came over and smacked the camera out of § 87(2)(b)'s hand and slammed it to the ground. This is when § 87(2)(b) approached the officer and yelled, "That's my camera, why did you do that?" At this point there were probably about six to seven officers standing around § 87(2)(b). § 87(2)(b) asked the group of officers, "Why did you slam my camera to the ground?" § 87(2)(b) was extremely angry. Another officer (male, white) picked up the camera and told § 87(2)(b) that he will get his camera back. Then PO Noor came over, took the camera from the officer and slammed it on the ground twice. The next thing § 87(2)(b) remembered, a group of officers, at least four, pushed him from behind to the ground. An officer, § 87(2)(b) does not know who, put handcuffs on him. When § 87(2)(b) was standing there talking to PO Noor, he had his cell phone in his left hand. § 87(2)(b) had his cell phone in his hand when he was pushed to the ground. An officer took the phone out of his hand in order to handcuff him. § 87(2)(b) did not know whom the officer was that took his phone. § 87(2)(b) stated he would not be able to identify any of the officers involved nor would he be able to recognize them from a photo array. The only description of the officers he could provide was men in uniform. When § 87(2)(b) was on the floor he saw his camcorder on the ground. When § 87(2)(b) was picked up from the ground he was surrounded by a group of officers. Before two officers (white males) took him to a police van, § 87(2)(b) yelled to his friend § 87(2)(b) to come over and take his car keys and his camcorder. The officers did not allow § 87(2)(b) to get § 87(2)(b)'s keys or his camcorder.

§ 87(2)(b) was taken in a police van with another individual and brought to the 70th Precinct. PO Jason Rosciano issued § 87(2)(b) a summons for § 87(2)(b). § 87(2)(b) asked the officers in the precinct if they had his phone or if they knew where it was. None of the officers had his phone or knew where it was. § 87(2)(b) believes the officer tried to destroy his camera because the girl was videotaping someone who was beaten up by police officers. § 87(2)(b) believes the officer who wrote him the ticket was also the passenger in the van that brought him to the precinct.

After § 87(2)(b) was released, he took a cab back to the location where he was arrested to see if he could locate his cell phone. § 87(2)(b) was still there waiting for § 87(2)(b) because § 87(2)(b) needed a ride home. At about 6 or 7am, § 87(2)(b) and § 87(2)(b) went back to the 70th Precinct to file a report about

his missing cell phone. § 87(2)(b) spoke with Lt. Vincent Cirrito, who identified himself as such to § 87(2)(b) about his lost cell phone and Lt. Cirrito gave him a paper to fill out. Lt. Cirrito wrote the number to the CCRB on the form and told § 87(2)(b) he could not file the paperwork now because it was the weekend. As § 87(2)(b) and § 87(2)(b) were leaving the precinct they saw PO Noor. § 87(2)(b) and § 87(2)(b) asked him for his name and badge number. PO Noor responded, "What the fuck are you talking about?" and continued walking. § 87(2)(b) went over to Lt. Cirrito and pointed out the officer who destroyed his video camera and told Lt. Cirrito that the officer would not give § 87(2)(b) his name or badge number. Lt. Cirrito replied that he would get the officer's name and badge number. Lt. Cirrito wrote the officer's name on the civilian complaint report.

§ 87(2)(b) added that he was interviewed by IAB regarding this incident on Friday September 8, 2006. IAB came to § 87(2)(b)'s house and asked him questions about this incident. IAB showed § 87(2)(b) a photo array. He picked out two officers, the one who gave him the ticket and the one who slammed his camera to the ground. However, he would not sign the picture of the officer who threw his camera on the floor because § 87(2)(b) wanted to see him in person. § 87(2)(b) wanted to be sure this was the officer and he feels he could only do that by identifying this officer in person.

Receipts (encl. 6E-6M)

§ 87(2)(b) provided a receipt, which indicated he paid \$1,995 on April 24, 2006 for the camera that was damaged during this incident.

Photos (6O-6Q)

§ 87(2)(b) provided photos of his broken camera. The photos clearly depict the camera is damaged. However, the photos are not dated and it is unclear when they were taken.

§ 87(2)(b)

§ 87(2)(b) provided only one statement regarding this incident, his sworn CCRB testimony, which is summarized below.

CCRB Testimony (encl. 7A-7C)

§ 87(2)(b) was interviewed at the CCRB on September 28, 2006. § 87(2)(b) is a § 87(2)(b) old Caribbean-American male about 5'5" and 170 lbs.

On September 4, 2006, § 87(2)(b) and his friend § 87(2)(b) attended J'ouvert, the pre-West Indian day parade festival. On that date, at about 2:45am, § 87(2)(b) and § 87(2)(b) were standing in front of a restaurant on Flatbush Avenue. Two girls approached them and asked § 87(2)(b) if they could see the camera he was holding, which was actually § 87(2)(b)'s. The girls took the camera and began videotaping the crowd. Then a group of police officers started running about 25-30 feet to their right. The two girls followed the police and videotaped the officers beating up an unidentified male. § 87(2)(b) and § 87(2)(b) stayed in front of the restaurant. § 87(2)(b) did not know who this man being beaten was and did not remember anything about the police involved except for that they were all in uniform. Because § 87(2)(b) did not know these girls, he went after them and asked for the camera back. § 87(2)(b) got the camera back and was standing there, near the melee that was going on, when an officer, identified through the investigation as PO Noor, came over and without saying anything, took the camera and threw it on the ground. PO Noor picked up the camera and walked to the other side of the melee. At this point two or three officers began to form a barricade around the fight that was going on between the cops and this individual and told people they were not allowed past that point. PO Noor was on the other side of this barricade. § 87(2)(b) saw PO Noor try to take the tape out of § 87(2)(b)'s camera but he was unable to because the battery fell out when he knocked the camera to the ground. The power on the camera must be on in order to get a tape out. § 87(2)(b) was telling one of the cops in the barricade, PO2, (male, white, slim, dark hair, and in uniform) that PO Noor broke his camera and that he was on the other side. § 87(2)(b) was pointing to PO Noor and told PO2 that this was the man who broke his camera. PO Noor came over to § 87(2)(b) with the camera and pretended like he was going to hand it to him but instead threw it on the ground and walked away. § 87(2)(b) must have seen this because he came over to § 87(2)(b) and started yelling loudly, "Why did you break my camera?" at PO Noor who was on the other side of the human police barricade. PO Noor did not respond.

At this time the police officers in the area started telling everyone they had to leave and they could no longer stand there. § 87(2)(b) continued yelling at PO Noor. § 87(2)(b) started to pull on § 87(2)(b)'s shirt so he would leave but he kept yelling. This is when about three or four officers pushed § 87(2)(b) down from behind. § 87(2)(b) saw § 87(2)(b) handcuffed but did not remember what these officers looked like. § 87(2)(b) was picked up, frisked, and put into a marked police van. § 87(2)(b) remembers seeing an officer walk away with § 87(2)(b)'s phone. However, he did not remember anything about this officer or if the officer took the phone out of § 87(2)(b)'s hand or his pocket when he was frisked.

At about 6 or 7am, § 87(2)(b) got a call from § 87(2)(b) from the 70th Precinct asking him where he was so they could meet up. § 87(2)(b) needed to drive § 87(2)(b) back to Staten Island. When § 87(2)(b) met up with § 87(2)(b) they decided to go back to the 70th Precinct and file a complaint about § 87(2)(b)'s phone, which he never got back, and § 87(2)(b)'s camera, which was broken. When they went to the 70th Precinct, they spoke with Lt. Cirrito, who identified himself as such. Lt. Cirrito went outside with the men and they showed him the broken camera that was in § 87(2)(b)'s trunk. Lt. Cirrito asked them if they were sure his officers broke the camera and they answered yes. Lt. Cirrito and § 87(2)(b) and § 87(2)(b) went back inside and Lt. Cirrito gave them a civilian complaint report to fill out. Lt. Cirrito took the report into a back room for about 20 minutes. While they were waiting for Lt. Cirrito, they saw PO Noor enter the precinct. § 87(2)(b) and § 87(2)(b) went up to PO Noor and asked him for his name and badge number. PO Noor told the men "Get the fuck out of here!" and continued walking. When Lt. Cirrito came back they told him they saw PO Noor and he wouldn't tell him their name and badge number. § 87(2)(b) pointed at PO Noor and told Lt. Cirrito that this was the officer that broke his camera. Lt. Cirrito told § 87(2)(b) and § 87(2)(b) not to worry because he would write the officer's name down for them on the complaint report. When Lt. Cirrito handed the men back the report he explained that since it was a holiday he would not be able to file the report until tomorrow and § 87(2)(b) should just file the report himself. Lt. Cirrito wrote the number to the CCRB on the report. § 87(2)(b) does not drink or use drugs and was not under the influence that day. § 87(2)(b) also does not drink or use drugs and was not under the influence that day.

Results of Investigation

Attempts to Contact Victim/Witnesses

The reason for § 87(2)(b) and § 87(2)(b)'s initial interaction with the police was because two unidentified women they had met used § 87(2)(b)'s camera to film a fight between police officers and an unidentified man. § 87(2)(b) submitted this video in the form of a computer file to the CCRB. It was not possible to identify anyone from the video itself. However, given the time and location of the incident, § 87(2)(b) whom by PO Rosciano arrested for § 87(2)(b) on Church Avenue and Flatbush Avenue, was contacted on December 29, 2006. Based upon § 87(2)(b)'s description of what he was wearing during the incident and the description of his alleged assault by police officers, it was determined that § 87(2)(b) was the person on the videotape provided by § 87(2)(b). § 87(2)(b) stated he needed to get his work schedule before scheduling an interview at the CCRB. A letter was sent on December 29, 2006 and January 3, 2007 to § 87(2)(b). Messages were left for § 87(2)(b) on January 3, 4, 5, 8, and 9 2007. To this date, § 87(2)(b) has not made any attempts to contact the CCRB and none of the letters sent to his residence have been returned to the agency.

As § 87(2)(b) and § 87(2)(b) did not know the females who they interacted with, and they could provide no identifying or contact information for them, they could not be located.

Identification of Officers Interviewed

Lt. Vincent Cirrito, PO Misbahul Noor, PO Jason Rosciano, and Lt. Justin Bracco, all of the 70th Precinct, were interviewed regarding this incident. Lt. Cirrito was identified by name by both § 87(2)(b) and § 87(2)(b). Lt. Cirrito also wrote his name on the NYPD civilian complaint report, which § 87(2)(b) brought to his CCRB interview. PO Noor was identified on the NYPD civilian complaint report as the subject officer, and the physical description § 87(2)(b) and § 87(2)(b) provided further confirmed this identification. § 87(2)(b) and § 87(2)(b) described PO Noor as being around 5'10" and Middle Eastern looking. PO Rosciano issued § 87(2)(b) a summons for § 87(2)(b) and was assigned to the corner

of Church Avenue and Flatbush Avenue during J'ouvert. Lt. Bracco was PO Rosciano's partner and he was also assigned to the corner of Church Avenue and Flatbush Avenue.

Lt. Vincent Cirrito

CCRB Testimony (encl. 8A-8B)

On September 4, 2006 Lt. Vincent Cirrito worked an overtime detail from 2pm on September 3, 2006 to 9:30 am on September 4, 2006 for the J'ouvert detail. Lt. Cirrito was assigned as a supervisor and was not assigned to a specific location during J'ouvert. Lt. Cirrito was in uniform and did not have a partner. Lt. Cirrito was on foot. Lt. Cirrito does not have a memo book.

At the end of the J'ouvert festival, Lt. Cirrito went back to the 70th Precinct. Lt. Cirrito stated there were several dozen arrests to be processed at the 70th Precinct. When Lt. Cirrito got back to the 70th Precinct station house, the desk sergeant, whom he could not remember, informed Lt. Cirrito that there was a civilian who wanted to file a complaint. Lt. Cirrito went up this individual and the individual pointed out an officer in the station house, PO Noor, and stated that PO Noor broke his camera. When shown a picture of § 87(2)(b) Lt. Cirrito confirmed that § 87(2)(b) was the individual at the precinct that made the complaint. After § 87(2)(b) told Lt. Cirrito about his camera, § 87(2)(b) took Lt. Cirrito out to his car to show him the camera. The camera appeared to be damaged. Lt. Cirrito did not give § 87(2)(b) the number for the property reimbursement line. Lt. Cirrito went back into the precinct and gave § 87(2)(b) the civilian complaint report to fill out. Lt. Cirrito wrote the name of the officer § 87(2)(b) pointed out in the 70th Precinct station house on the complaint report. Lt. Cirrito did not remember § 87(2)(b) saying anything about PO Noor refusing to provide his name or cursing at him. While § 87(2)(b) was filling out the complaint report, Lt. Cirrito informed § 87(2)(b) that because there were many arrests to be processed, he would have to wait for his complaint to be processed. Lt. Cirrito told § 87(2)(b) there were a number of other ways to file a complaint, such as taking the complaint home, filling it out, and coming back to the 70th Precinct at another time, or dropping it off at his local precinct. Lt. Cirrito also wrote the number to the CCRB on the complaint form and told § 87(2)(b) that he could file his complaint over the phone.

PO Misbahul Noor

Memo Book (encl. 9A-19B)

17:35: Post c/o Flatbush and Church

CCRB Testimony (encl. 10A-10B)

On September 4, 2006 PO Noor was assigned to the J'ouvert detail in Brooklyn. PO Noor was assigned to foot patrol on the northwest corner of Flatbush Avenue and Church Avenue. PO Noor was not assigned a specific partner but there were many police officers assigned to the same detail. PO Noor was in uniform.

PO Noor did not have any specific recollection of this incident. PO Noor stated that during J'ouvert streets are blocked off and there are a lot of people walking around. PO Noor stated there were other officers who were assigned to the corner of Flatbush and Church Avenues. PO Noor did not leave this corner. PO Noor did not arrest anyone or issue any summonses. PO Noor did not recall if there was any altercation between police officers and civilians in the vicinity of Flatbush Avenue and Church Avenue. PO Noor did remember dispersing a large crowd on the corner of Church and Flatbush Avenues. PO Noor did not recall the reason why a crowd had gathered. During this time PO Noor found a camera on the floor. PO Noor picked up the camera and asked the crowd whose it was. A man came and claimed the camera. PO Noor did not take any steps to verify if this really was that man's camera. PO Noor stated the individual who he returned the camera to was a black male. When shown a picture of § 87(2)(b) PO Noor did not recall if this was the individual that he gave the camera to. After PO Noor handed this man his camera back, he did not recall how this man responded. PO Noor did not throw the camera on the ground. The man did not accuse PO Noor of breaking his camera. PO Noor did not remember if the man's camera was broken when he picked it up. PO Noor told the man he had to move because he could not block the sidewalk and the man complied. PO Noor did not know how this camera got on the floor and he did not recall if the man stated why his camera was on the floor. PO Noor did not recall if anyone else was arrested on the corner of Flatbush Avenue and Church Avenue. PO Noor did not recall interacting with any other civilians at this location on that evening. PO Noor did not recall interacting with any civilians at the 70th Precinct later that morning. PO Noor did not recall being pointed out by anyone at the 70th Precinct. PO Noor stated he was

only at the 70th Precinct for a few minutes because he had to go back and work the West Indian Day Parade. PO Noor did not throw the camera he picked up off the ground back onto the ground. PO Noor did not use any physical force against the man he gave the camera back to and did not remember using physical force on the date of the incident. PO Noor did not recall anyone else speaking to him regarding this camera nor did he remember if this man accused him of breaking the camera.

PO Jason Rosciano

Memobook (encl. 11A-11B)

20:35: Lt. Bracco's driver assigned to Church and Flat J'ouvert detail

Summons (encl. 12A)

PO Rosciano issued § 87(2)(b) a summons for § 87(2)(b) on September 4, 2006 at 3:24am.

CCRB Testimony (encl. 13A-13B)

On September 4, 2006 PO Rosciano worked the J'ouvert detail and was assigned the intersection of Church Avenue and Flatbush Avenue on the northwest corner. PO Rosciano worked with Lt. Bracco of the 70th Precinct.

PO Rosciano noticed a group of disorderly individuals on the northeast corner. PO Rosciano and other officers went over to the northeast corner to disperse the group. There was one individual, § 87(2)(b) who refused to leave the area. § 87(2)(b) was resistant and became violent. PO Rosciano did use physical force to arrest § 87(2)(b) since he was not compliant. PO Rosciano arrested this man for § 87(2)(b) and brought him over to the police van on the northwest corner of Church and Flatbush Avenues. After PO Rosciano secured his prisoner, § 87(2)(b) another officer brought over § 87(2)(b). After § 87(2)(b) was placed in the van, Lt. Bracco instructed PO Rosciano to escort the two prisoners back to the 70th Precinct station house and issue them summonses for § 87(2)(b). PO Rosciano could not recall who brought § 87(2)(b) to the police van. PO Rosciano could not specifically recall who else was working the corner that he was assigned to but there were at least 20 other officers. PO Rosciano observed this disorderly group for about one to two minutes. PO Rosciano did not remember if there was any specific reason why the group had stopped on that corner. PO Rosciano could not recall if there was any fight or any type of incident that would have attracted a disorderly group of individuals. PO Rosciano positively identified a picture of § 87(2)(b) as the man brought over to the police van the night of the incident. PO Rosciano stated the arrest of § 87(2)(b) took approximately ten minutes. PO Rosciano did not see § 87(2)(b) prior to meeting him at the police van. PO Rosciano did not remember if PO Noor was involved in dispersing the disorderly group on the northeast corner of Church and Flatbush Avenues. PO Rosciano stated § 87(2)(b) was very calm and very respectful. PO Rosciano stated § 87(2)(b) did not have any injuries nor did he complain of any injuries. § 87(2)(b) did not speak at all. PO Rosciano did not recall if § 87(2)(b) mentioned anything about a broken camera. PO Rosciano did not remember seeing any officers use force on the corner of Church and Flatbush Avenues.

Lt. Justin Bracco

Memobook (encl. 14A-14B)

18:30 10-84 I/O Church and Flatbush

CCRB Testimony (encl. 15A-15B)

On September 4th, 2006 Lt. Justin Bracco was assigned to the J'ouvert detail. Lt. Bracco was assigned to the corner of Flatbush Avenue and Church Avenue in Brooklyn. Lt. Bracco was assigned to RMP 5145 with PO Rosciano. Lt. Bracco was on foot and only used the RMP to get to the 70th Precinct and his assigned corner. Lt. Bracco and PO Rosciano were both in uniform. Lt. Bracco was not assigned to any specific corner but floated around to the four different corners. However, he spent the most time on the northwest corner on Church Avenue and Flatbush Avenue.

Lt. Bracco began his tour at 4pm on September 3, 2006. He was supposed be off-duty at 12:30am on September 4, 2006 but worked overtime until 7am. Lt. Bracco did not remember any specific incident from that corner. Lt. Bracco stated there were hundreds if not thousands of people walking around the streets of Brooklyn. Lt. Bracco stated it was the police officers' job to make sure the sidewalks were clear.

Lt. Bracco stated there were numerous times throughout the J'ouvert festival that the officers had to clear the corners. Some people were arrested or issued summonses for not complying with the police officers' orders to keep the sidewalks clear. Lt. Bracco did instruct PO Rosciano to take one individual to the 70th Precinct. When shown a picture of § 87(2)(b) Lt. Bracco did not recognize this man and did not know if that was the man that he told PO Rosciano to take to the van. Lt. Bracco did not instruct any of the officers to confiscate a camera from anyone nor did he see any officers confiscate anyone's camera. Lt. Bracco did not see any officers throw a camera on the ground. Lt. Bracco did not remember if he saw PO Noor that evening. Lt. Bracco had to use some physical force to restrain people who were being arrested throughout the night, however he did not handcuff anyone personally. Lt. Bracco could not remember an incident where officers had to forcibly arrest anyone who complained about a broken camera. Lt. Bracco stated there were many people arrested and summonsed on that corner, a number of whom were forcibly removed. Lt. Bracco did not remember who else was assigned to that corner, however he did state it was all officers from the 70th Precinct. Lt. Bracco stated that there is a nightclub in the middle of Church Avenue, near Flatbush Avenue, and that is why he believes there were so many people congregated on that corner.

NYPD Documents

J'ouvert Detail Roster

The detail roster for J'ouvert did not list any of the assignments for officers from the precincts of occurrence, which are the 70th, 67th, and the 71st precincts. § 87(2)(b) and § 87(2)(b) identified PO Noor and Lt. Cirrito as being involved in this incident. However, § 87(2)(b) and § 87(2)(b) were not able to provide any descriptions of the officers that used physical force against § 87(2)(b). They also stated they would not be able to pick these officers out from photos. Therefore, the detail roster would not have yielded any information that would have had an effect on the outcome of the investigation.

Command Log (encl. 16A)

The command log indicates that § 87(2)(b) was arrested at 2:50am by PO Rosciano on the corner of Flatbush Avenue and Church Avenue. It also indicates that § 87(2)(b) was issued summons # § 87(2)(b) for § 87(2)(b) and released.

Disposition of Summonses

There is no public record of the summons.

Complainant/Victim Criminal Conviction History

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian CCRB History (encl. 3A)

§ 87(2)(b) has not filed a CCRB complaint before.

Police Officer CCRB History (encl. 1A-2A)

PO Noor does not have a substantiation history at the CCRB.

Conclusions and Recommendations

Identification of Subject Officers

PO Noor was identified on the NYPD civilian complaint report as being the officer who damaged § 87(2)(b)'s camera. § 87(2)(b) and § 87(2)(b) pointed out PO Noor to Lt. Cirrito inside the 70th Precinct stationhouse and he wrote PO Noor's information on the complaint report. PO Noor also fit the physical description, which was male with olive skin, possibly Middle Eastern, provided by § 87(2)(b) and § 87(2)(b). The summons issued to § 87(2)(b) and subsequent officer interviews revealed that PO Rosciano and Lt. Bracco were assigned to the corner of Church Avenue and Flatbush Avenue. § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) were unable to identify or provide descriptions of the officers who used force against § 87(2)(b). Both men could only describe the officers as males in uniform. § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) were also unable to describe the officers involved in using force against § 87(2)(b). The video also does not provide quality footage that could be used to determine the identification of these subject officers.

Disputed/Undisputed Facts

It is not disputed that § 87(2)(b)'s camera was broken. Lt. Cirrito confirmed the camera was broken when § 87(2)(b) and § 87(2)(b) went to file a complaint at the 70th Precinct on September 4, 2006, the date of the incident. § 87(2)(g) § 87(2)(b) and § 87(2)(b) assert that PO Noor intentionally threw § 87(2)(b)'s camera on the ground more than once. However, PO Noor only remembered picking up a camera, which he did not remember as being broken, from the ground and handing it to a black male. PO Noor did not recognize a picture of § 87(2)(b) § 87(2)(g) § 87(2)(b) and § 87(2)(b) both acknowledged that § 87(2)(b) was knocked to the ground. Although none of the officers remembered using force specifically, they did admit to using force to effect the arrests of other individuals who did not comply with their orders to keep the sidewalks clear. § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) claim that PO Noor cursed at them when they asked for his name and badge number inside the 70th Precinct stationhouse. However, PO Noor has no recollection of this incident. Lt. Cirrito did write PO Noor's name on the complaint report, § 87(2)(g)

Credibility

§ 87(2)(g) § 87(2)(b) stated § 87(2)(b) was asked to leave the corner more than once before he was forcibly arrested. § 87(2)(g) § 87(2)(b) stated PO Noor slammed § 87(2)(b)'s camera twice and § 87(2)(b) claimed it to be three times. § 87(2)(g)

§ 87(2)(g) PO Noor stated he did not remember using force, seeing anyone use force, arresting anyone or seeing anyone arrested on the date of the incident. § 87(2)(g)

PO Noor stated that he found a camera on the floor, a valuable item, and asked a large crowd who it belonged to. He then gave it to the only person who responded it was theirs and had no further contact with this individual. § 87(2)(g)

§ 87(2)(b) In addition to this, according to the officers' own testimony, there were large numbers of people who were arrested and there were a lot of disorderly people. The Booking Arraignment Disposition Inquiry System (encl. 17A) and the command log (encl. 16A) confirm this fact. § 87(2)(g)

§ 87(2)(g) PO Rosciano, the arresting officer, was assigned the arrest and therefore did not take part in the actual arrest of § 87(2)(b) PO Rosciano did remember § 87(2)(b) from the night of the incident, but did not witness the arrest. Lt. Bracco also indicated that there were many people using video cameras that night, § 87(2)(g)

Allegations Not Pleaded

It is not disputed by either party that § 87(2)(b) and § 87(2)(b) did not file their CCRB complaint at the 70th Precinct, even though it was their intent to do so. § 87(2)(b) and § 87(2)(b) did not allege that they were outright refused when they tried to file their complaint. Lt. Cirrito told the men they could file their complaint at the 70th Precinct, they would just have to wait due to the large amount of arrests that needed to be processed. Lt. Cirrito provided § 87(2)(b) and § 87(2)(b) with the name and badge number of PO Noor, whom they accused of breaking § 87(2)(b)'s camera. Lt. Cirrito provided § 87(2)(b) and § 87(2)(b) with alternate ways to file their complaint if they did not want to wait at the 70th Precinct. § 87(2)(g)

Allegation A: Force: Officers used physical force against § 87(2)(b) at Flatbush Avenue and Church Avenue.

§ 87(2)(b)'s camera caught an incident on tape where § 87(2)(b) is being hit by police officers. § 87(2)(b) was contacted on December 29, 2006 and he agreed to be interviewed at a future date. Five messages were left for § 87(2)(b) between January 3, 2007 and January 9, 2007. Two letters were also sent to his residence between December 29, 2006 and January 3, 2007. Presently, § 87(2)(b) has made no attempts to contact the CCRB and the letters sent to his residence have not been returned to the agency.

§ 87(2)(g)

Allegation B: Abuse of Authority: PO Misbahul Noor damaged § 87(2)(b)'s video camera at Flatbush Avenue and Church Avenue.

§ 87(2)(b) and § 87(2)(b) both identified PO Noor as the officer that broke their camera. Lt. Cirrito stated that § 87(2)(b) and § 87(2)(b) pointed out PO Noor as the officer that broke their camera. Lt. Cirrito also stated he actually examined § 87(2)(b)'s camera and it was broken. § 87(2)(g)

PO Noor did find a camera on the ground but he did not remember if it was broken. § 87(2)(g)

The tape from the camera did show § 87(2)(b) being forcibly arrested by a large group of officers § 87(2)(b)

§ 87(2)(b) was also arrested for § 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) and § 87(2)(b) both stated § 87(2)(b) was protesting his broken camera very loudly. § 87(2)(g)

Allegation C: Force: Officers used physical force against § 87(2)(b) at Flatbush Avenue and Church Avenue.

§ 87(2)(b) and § 87(2)(b) both stated that officers used physical force against § 87(2)(b) Although the officers did not remember arresting or using physical force against § 87(2)(b) they all, except PO Noor, admitted to using force to arrest other individuals. The officers all stated it was their job to keep the sidewalks clear and make sure there were no groups gathering on the corner of Church Avenue and Flatbush Avenue. § 87(2)(b) did admit to yelling loudly at police officers in the area about his camera. § 87(2)(b) did not remember the officers asking him to leave. However, § 87(2)(b) did remember the police officers in the area asking § 87(2)(b) to leave more than once. § 87(2)(b) even stated he was

pulling on § 87(2)(b)'s shirt in an effort to get him to leave the area. § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b) Once § 87(2)(b) was pushed to the ground, he was immediately handcuffed. § 87(2)(b) did not allege any injuries § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Allegation D: Abuse of Authority: PO Misbahul Noor refused to provide his name and shield number to § 87(2)(b) and § 87(2)(b) at the 70th Precinct stationhouse.

Allegation E: Discourtesy: PO Misbahul Noor spoke obscenely and rudely to § 87(2)(b) and § 87(2)(b) at the 70th Precinct stationhouse.

§ 87(2)(b) and § 87(2)(b) went to the 70th Precinct to file a complaint about § 87(2)(b)'s broken camera and they were assisted by Lt. Cirrito. § 87(2)(b) and § 87(2)(b) showed Lt. Cirrito the broken camera, which was in § 87(2)(b)'s car. § 87(2)(b) and § 87(2)(b) went back inside the stationhouse to fill out paperwork regarding their complaint, which Lt. Cirrito went to retrieve in the back of the stationhouse. While § 87(2)(b) and § 87(2)(b) waited for Lt. Cirrito, they encountered PO Noor. § 87(2)(b) and § 87(2)(b) went up to PO Noor and asked him for his name and badge number, to which he replied, "Get the fuck out of here!" When Lt. Cirrito came back, § 87(2)(b) and § 87(2)(b) pointed out PO Noor and told Lt. Cirrito that this officer broke § 87(2)(b)'s camera, refused to provide his name and shield number to them, and cursed at them. Lt. Cirrito told the men not to worry and wrote PO Noor's name, shield and tax number on § 87(2)(b)'s complaint report. Lt. Cirrito corroborated § 87(2)(b) and § 87(2)(b)'s statement. Lt. Cirrito did see § 87(2)(b)'s camera and it was broken. Lt. Cirrito also wrote down PO Noor's information on § 87(2)(b)'s complaint report after § 87(2)(b) and § 87(2)(b) pointed out PO Noor in the stationhouse as the officer that broke § 87(2)(b)'s camera. Lt. Cirrito did not remember, however, if § 87(2)(b) and § 87(2)(b) told him that PO Noor refused to provide them with his name and shield number and cursed at them. § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)

§ 87(2)(b) PO Noor claimed to not remember interacting with any civilians inside the 70th Precinct stationhouse on that morning. § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
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§ 87(2)(b)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: